

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/726,554	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bo Peng	1648	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/4/2003.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date <u>12/4/03</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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1. Applicant's amendment, filed on December 4, 2003, is acknowledged. Claims 1-5 are pending.

#### EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview with Attorney Mark Nuell on May 8, 2006.

4. Please amend claim 1:

A cDNA encoding a heavy chain variable region of a monoclonal antibody against S-surface antigen of [hepatitis] hepatitis B virus, said heavy chain variable region comprising the peptides of SEQ ID Nos. 12, 13, and 14.

5. Please amend claim 4:

A recombinant vector pCRA9Hv comprising the cDNA of claim [4] 1.

6. Please amend claim 5:

A transformant E. coli DH5 $\alpha$ /YRC-pCRA9Hv [(KCTC 1010BP)], which is transformed with a recombinant vector pCRA9Hv.

7. Please substitute the first paragraph of specification with following paragraph:

This application is a divisional of U.S. Serial No. 09/865,483, filed May 29, 2001, now US patent 6,680,053, the entire contents of which are herein incorporated by reference and for which priority is claimed under 35 U.S.C. §120; and this application claims

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priority to Application No. 2000-28938 filed in Korea on May 29, 2000 under 35 U.S.C. §119, the contents of which are herein incorporated by reference.

8. Claims 1-5 are pending and allowable.

9. The following is an examiner's statement of reasons for allowance:

(1) The instant application is a DIV of 09/865,483 (PAT 6,680,053). Claims 1-5 are directed to a cDNA encoding a heavy chain variable region of a monoclonal antibody against S-surface antigen of hepatitis B virus, wherein said heavy chain variable region comprising the peptides of SEQ ID Nos. 8, 12, 13, and 14, wherein the heavy chain variable region has the nucleotide sequence of SEQ ID NO: 6.

Since the variable regions of claimed HBV monoclonal antibody, which consist of a light chain and a heavy chain comprising the peptides of SEQ ID Nos. 8, 12, 13, and 14 and nucleotide sequence of SEQ ID NOs. 6, were found allowable and issued as patent 6,680,053, the cDNAs encoding the heavy chain variable region of the monoclonal antibody comprising the peptides of SEQ ID Nos. 8, 12, 13, and 14, and the cDNA comprising nucleotide sequence of SEQ ID NO: 6 of the instant claims are also allowable.

(2) Claims 1-5 are free of the prior art of record. The Examiner is not aware of any suggestion in the prior art of record that would point the artisan to the claimed cDNA comprising the peptides of SEQ ID Nos. 12, 13, and 14, or 6 or 8.

Accordingly, claims 1-5 are allowed.

10. Any comments considered necessary by applicant must be submitted no later than


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the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Peng, Ph.D., whose telephone number is 571-272-5542. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
Bo Peng, Ph.D.

  
**JEFFREY STUCKER**  
**PRIMARY EXAMINER**